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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/160,657	09/25/1998	JOSEPH W. LYDING	22010-135/IL	6611

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EXAMINER

VOCKRODT, JEFF B

ART UNIT	PAPER NUMBER
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2822

DATE MAILED: 12/20/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/160,657

Applicant(s)

LYDING ET AL.

Examiner

Jeff Vockrodt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 40-48 and 60-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-48 and 60-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

### **DETAILED ACTION**

This office action is in response to the 37 CFR § 1.111 amendment filed April 11, 2001 addressing claims 40-48 and 60-65.

The Affidavit of Joseph W. Lyding, filed February 8, 2001, is acknowledged.

The Request for Interference under 37 CFR § 1.607 filed February 8, 2001, which copied claims 66-74 from U.S. Pat. No. 6,023,093 and added new claims 75-78 is acknowledged.

Claims 40-48 and 60-78 are pending.

### ***Priority***

This application lacks the necessary reference to the prior application to obtain the priority date of Jan. 16, 1996. A statement reading "This is a continuation of Application No. 09/020,565, filed on Jan. 16, 1998, now U.S. Pat. No. 6,147,014, which is a continuation of Application No. PCT/US97/00629, filed on Jan. 16, 1997, which is a continuation of Application No. 08/586,411, filed on Jan. 16, 1996, now U.S. Pat. No. 5,872,387." should be entered following the title of the invention or as the first sentence of the specification.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 66-74 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 67-74 depend on claim 66, which requires "[a]n improved semiconductor transistor device having a gate and a film located adjacent said transistor gate and having a concentration of deuterium within said film, wherein the improvement comprises: a concentration of at least about  $10^{16} \text{ cm}^{-3}$  of said deuterium being present in said film, said transistor device susceptible to degradation associated with hot carrier stress, said concentration of deuterium substantially reducing said degradation associated with said hot carrier stress." (emphasis added).

Applicants, to establish support for the subject matter of claims 66-74, allege that "the concentration of deuterium resulting from the disclosed annealing process is 'at least about  $10^{16} \text{ cm}^{-3}$ ' is a result of the particular annealing process described in those applications and thus is inherently disclosed by each of those applications." paper no. 25, page 6. Applicants rely primarily on figure 4 of the Ference article which depicts SIMS deuterium profiles for anneals of different structures to support their theory of inherency. Figure 4 of Ference shows example B which is an anneal in deuterium under the conditions similar to those of the present application but occurring at the first metal step. This example of Ference results in a deuterium concentration at the gate oxide of greater than  $10^{16}$  atoms/cc.

Application S.N. 08/586,411 fails to describe the process of example B in figure 4 of Ference with sufficient specificity to warrant a conclusion that the composition of deuterium in the gate oxide that is described by Ference is an inherent property of Applicant's written description. The portion of application S.N. 08/586,411 relied on is found at pages 10-11. "In this regard, deuterium conditioning or passivation of the device 12 can be achieved in a variety of ways. For instance, device 11 can be heated in the presence of a flowing, mixed, or static deuterium-enriched ambient at one or more stages of fabrication, and/or after fabrication is completed (i.e. after the metal contacts are completed)." Applicant must show that the claimed concentration necessarily results from what is described in application S.N. 08/586,411 and is not just a possible outcome that is achieved by picking and choosing certain processes from the disclosed list of process alternatives in the application. "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities and possibilities. The mere fact that a thing may result from a given set of circumstances is not sufficient" MPEP §2112 (quoting *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted)). Applicants cannot meet the written description requirement for an allegedly inherent deuterium concentration by merely showing that the claimed deuterium concentration is achieved by post-fabrication annealing when the disclosure does not provide any direction leading one of ordinary skill in the art to choose post-fabrication annealing from annealing "at one or more

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stages of fabrication, and/or after fabrication is completed (i.e. after the metal contacts are completed)". *Kropa v. Robie*, 88 USPQ 478, 483 (CCPA 1951) (adequate disclosure for a count drawn to an abrasive article was not found where practicing the process disclosed in the application "would not inevitably or necessarily produce an abrasive article.").

In re claims 67-69, there is no support for a polysilicon film that is adjacent the transistor gate in the written description as filed. The polysilicon transistor gate 20, fig. 1, does not provide support for a polysilicon film that is "adjacent the transistor gate," because it is the gate (the gate cannot be beside itself).

In re claim 72, there is no support for a "germanium" substrate in the written description as filed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40-48, 60-65, and 75-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over P.C.T. International Application WO 94/19829 ("Lisenker") in view of U.S. Pat. No. 5,514,628 ("Enomoto").

Lisenker teaches that where hydrogen is used to remove dangling bonds at the Si/SiO<sub>2</sub> interface in transistor gate oxides, page 2, ll. 10-25, substitution of hydrogen

with deuterium results in transistors having improved stability, quality, and reliability, page 4, ll. 32-34. Lisenker, in discussing the many ways in which deuterium can be substituted for hydrogen, states that, "an annealing step is conducted in a deuterium atmosphere instead of a hydrogen atmosphere," pp. 5, ll. 5-15. Thus, Lisenker suggests improving hydrogen anneal passivation steps, by substituting deuterium for hydrogen as an annealing gas in passivation processes.

Of the hydrogen annealing examples taught by Lisenker, there is no mention of a hydrogen annealing step occurring after electrical contacts are formed on a semiconductor device. Therefore, Lisenker alone does not teach a deuterium annealing step that occurs after electrical contacts have been formed over a semiconductor device.

Enomoto teaches a two step sinter (anneal) post metal hydrogen passivation method whereby a sufficient sinter operation is preceded by an insufficient sinter operation and a testing step. In discussing the background of the invention, Enomoto states that hydrogen anneal processes, "typically [occur] toward the end of the fabrication process," col. 1, ll. 59-62. In the preferred embodiment, the final and sufficient sinter step is carried out in a hydrogen atmosphere at a temperature of approximately 400°C for more than 30 minutes after forming electrical contacts, col. 3, ll. 30 & col. 4, ll. 25-35. The sufficient sinter step reduces interface traps by terminating dangling bonds with hydrogen.

Lisenker and Enomoto are analogous art. Both references teach reducing interface states in semiconductor devices to increase device reliability and performance by way of passivation.

It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the hydrogen of the post metallization anneal step in Enomoto, with deuterium, as suggested by Lisenker. The motivation to combine references in this manner comes from Lisenker's teaching that deuterium is superior to hydrogen for increasing device quality and reliability, and that deuterium can be substituted for hydrogen in passivation processes.

In re claims 41, 60-61, and 63, the gate material is preferably silicon oxide.

In re claim 42 and 64, the silicon semiconductor layer is single crystal which is referred to in reference to the underlying crystal structure.

In re claim 43 and 75-78, Enomoto teaches that the sufficient sinter step (anneal) can last 30-60 minutes.

In re claim 44, Lisenker teach a silicon wafer (abstract) which in its ordinary usage implies a single crystal silicon wafer.

In re claims 45 and 75-78, Lisenker at page 1 incorporates by reference the article Sah, "Models and Experiments on Degradation of Oxidized Silicon", Solid-State Electronics, vol. 33, pp. 147-167. The Sah article at page 160 teaches a forming gas composition of 10% hydrogen and 90% nitrogen which is used for device passivation.

In re claim 46, figure 1 of Lisenker reference shows deuterium and hydrogen covalently bonded to silicon.



In re claim 47, the chip is subsequently packaged, Enomoto, col. 2, ll. 2-3.

In re claim 48 and 65, the existence of covalently bonded deuterium is suggested in the above combination, and shown by figure 1 of Lisenker.

In re claims 62-65 and 75-78, claim 62 Enomoto teaches a preferred temperature of 400°C, abstract.

### ***Response to Arguments***

Applicant's arguments with respect to claims 40-48 and 60-61 have been considered but are moot in view of the new ground(s) of rejection.

### ***Rejection of Claim Corresponding to Proposed Count***

Claims 66-74 of this application have been copied by the applicant from U. S. Patent No. 6,023,093. These claim are not patentable to the applicant because they lack adequate written description under 35 USC § 112 1st paragraph for the claimed subject matter as set forth above.

An interference cannot be initiated since a prerequisite for interference under 37 CFR 1.606 is that at least one claim subject to a judgment in the interference be patentable to the applicant.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 4,994,840 ("Haddad") teaches that hydrogen has long been used to fill dangling bonds to minimize surface states.

U.S. Pat. No. 5,320,975 ("Cederbaum") teaches a post metallization passivation anneal, see col. 13, ll. 60 to col. 14, ll. 5.

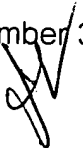
U.S. Pat. No. 5,162,892 ("Hayashi") teaches varying the hydrogen anneal time to optimize a passivation process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Vockrodt whose telephone number is (703) 306-9144. The examiner can normally be reached on Monday through Friday, from 9 :30 Am to 3 :00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr., can be reached on (703) 308-4940. The fax phone number for this Group is (703) 305-3432 or (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

December 3, 2001



  
CARL WHITEHEAD, JR.  
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